

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
WEDNESDAY, APRIL 22, 2020

1. Amado, Joao
2. Celimen Savino, Maria
3. De Sousa Caldas, Jose
4. Guillermo, Darlin Alberto
5. Kayitare, Fred
6. Lopez Salazar, Javier Ernesto
7. Menjivar Rojas, Carlos Dalelio
8. Okoli, Cyril
9. Promotor-Dominguez, Abel
10. Ssekabazi, Nathanael

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 22, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, 74, 78, 81, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-2, 4-10 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.¹

Plaintiffs have omitted substantive briefing on Jose De Sousa Caldas (#3). It is Plaintiffs' understanding that Mr. De Sousa Caldas posted bond and is no longer detained at BCHOC.

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 Pandemic Continues to Escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)²</u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 21, 2020</i>	1,961 (increase of 152 in last 24 hours)	41,199 (increase of 1,556 in last 24 hours)

The CDC guidance on COVID-19 entitled *People Who Are at Higher Risk for Severe Illness* lists numerous conditions that place individuals at higher risk of illness or death if they

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

² Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>.

contract COVID-19.³ Contrary to Defendant's suggestion in its April 21, 2020 Input, no conditions have been removed from this list. In particular, asthma remains one of the conditions that the CDC lists as of significant cause for concern – and in fact is listed in the first group of high-risk conditions in the CDC's guidance.⁴ In addition, no one is immune from the virus, and there are numerous reported cases of severe illness and death among younger individuals with no co-morbidities.⁵

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of Joao Amado, Maria Celimen Savino, Darlin Alberto Guillermo, Fred Kayitare, Javier Ernesto Lopez Salazar, Carlos Dalelio Menjivar Rojas, Cyril Okoli, Abel Promotor-Dominguez, and Nathanael Ssekabazi.

April 22, 2020

Respectfully Submitted,

/s/ Oren Sellstrom

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³ See CENTERS FOR DISEASE CONTROL AND PREVENTION, Coronavirus Disease 2019 (COVID-19), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

⁴ See *id.*; see also P.K. Bhatraju, B.J. Ghassemieh, M. Nichols, R. Kim, K.R. Jerome, A.K. Nalla, et al., *Covid-19 in Critically Ill Patients in the Seattle Region — Case Series*. N. Engl. J. Med. (2020), 10.1056/NEJMoa2004500 (finding a significant portion of the patients observed that were critically ill after COVID-19 infection suffered from chronic asthma).

⁵ See William Feuer, *WHO says 'more and more' young people are dying from the coronavirus*, CNBC (Apr. 3, 2020), <https://www.cnbc.com/2020/04/03/who-says-more-and-more-young-people-are-dying-from-the-coronavirus.html> (reporting that a senior official of the World Health Organization stated, "We've seen some data from a number of countries across Europe where people of younger age have died. Some of those individuals have had underlying conditions, but some have not.").

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[§] Motion for admission *pro hac vice* pending.

[†] Admitted *pro hac vice*.

^{*} Motion for law student appearances pending.

CERTIFICATE OF SERVICE

I hereby certify that, on April 22, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 22, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)